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June 22, 2012

Via ECF & Hand Delivery

Honorable Lewis A. Kaplan
United States District Judge
500 Pearl Street
New York, New York 10007

Re: U.S. v John Campos

Dear Judge Kaplan,

I write briefly in response to the government sentencing memorandum filed with the Court this week.

The thrust of the government submission appears to be that Mr. Campos does not acknowledge "the seriousness of his offense." (Govt. Sent. Memo p.3)

Mr. Campos committed a crime. He acknowledged this in his guilty plea. And, of course, commission of a crime is a serious matter. However, the level of seriousness is surely an appropriate consideration in sentencing. In addressing this in the defendant's sentencing memorandum, we set forth the reasons why we believe that Mr. Campos' conduct, while wrongful, was not an offense warranting a jail sentence which is reserved for instances of substantial wrongdoing.

The government's offer of a misdemeanor plea for Mr. Campos in the face of a felony indictment is a rare event in this Courthouse. Although the government now appears to disregard the significance of this fact, in offering a misdemeanor plea for Mr. Campos, the government clearly signified that his criminal act was not substantial wrongdoing. In this regard, it is especially significant that the government in its letter to the Court arguing for the acceptance of Mr. Campos' misdemeanor plea acknowledged that "his role in the conspiracy charged in the indictment was relatively minor as compared to the other defendants charged." Gov't Letter to the Court, April 12, 2012, p.4.

As set forth in his sentencing memorandum, he has already suffered severe consequences as a result of his prosecution. For all of the reasons set forth in our sentencing memorandum, we

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request that the Court sentence Mr. Campos to probation as recommended by the Probation Office in its Pre-Sentencing Report.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'F. P. Hafetz', with a long horizontal flourish extending to the right.

Frederick P. Hafetz

Cc: Arlo Devlin-Brown (via email)
Andrew Goldstein (via email)